

November ____, 2018

IMPORTANT NOTICE TO POTENTIAL CLASS MEMBERS

AUTHORIZED BY JUDGE JAMES S. GWIN OF THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

TO: All former and current non-exempt manufacturing employees of Applied Medical Technology, Inc. between November __, 2015 and the present.

RE: Your right to join a collective action seeking to recover alleged unpaid overtime compensation.

1. PURPOSE OF THIS NOTICE

This Notice informs you of a collective action that has been filed under the Fair Labor Standards Act ("FLSA"), advises you of your rights as a class member, and tells you how you can be included in the action. If you wish to be included in this collective action, you must sign and return the enclosed Consent Form as explained below.

2. DESCRIPTION OF THE ACTION

On July 20, 2018, this collective action was filed against Defendant Applied Medical Technology, Inc. in the U.S. District Court for the Northern District of Ohio, Case No. 1:18-cv-01689. The action was filed on behalf of named Plaintiff Calvin Burris and all other similarly-situated individuals.

Plaintiff Calvin Burris was employed by Applied Medical Technology, Inc. as a non-exempt manufacturing employee. Plaintiff alleges that Applied Medical Technology, Inc. violated the FLSA by failing to pay non-exempt manufacturing employees for work that they performed before and after their scheduled start and stop times, including, but not limited to: a) changing into and out of their uniform and personal protective equipment, including but not limited to a smock, hairnet, mask, shoe covers, gloves, boots and/or safety glasses; b) washing their hands; c) meeting with their supervisors and/or employees on the previous shift to get assignments; d) walking to and from their assigned area of the manufacturing floor; and e) performing their manufacturing work. Applied Medical Technology, Inc. denies these allegations and believes it has properly paid its employees in accordance with all relevant laws.

Plaintiff alleges that he and all other similarly-situated individuals are entitled to recover from Applied Medical Technology, Inc.: (a) unpaid overtime compensation; (b) liquidated damages; (c) attorneys' fees; and (d) costs under the FLSA. Applied Medical Technology, Inc. has denied these allegations and believes it has properly paid its manufacturing employees.

This collective action lawsuit is in its early stages. The Court has not yet decided whether Plaintiff or Applied Medical Technology, Inc. is correct. The right to recover these wages for any Plaintiff has not been established and is not guaranteed or certain. Your decision to participate in this lawsuit does not guarantee that you will receive any money.

3. YOUR RIGHT TO PARTICIPATE IN THIS ACTION

Plaintiff seeks to sue not only for himself, but also for other persons with whom he is similarly situated. Plaintiff alleges that those individuals are former and current non-exempt manufacturing employees of Applied Medical Technology, Inc. between November __, 2015 and the present. If you fit this definition, you may have the right to participate in this action.

4. HOW TO PARTICIPATE IN THIS ACTION

To join this collective action, you must sign and return the enclosed "Consent Form." You can return the Consent Form by signing it regularly or electronically (eSigning) via PDF, and returning it by one of the following methods: (a) mailing it to Plaintiff's counsel in the self-addressed and postage-prepaid envelope included with this Notice; (b) faxing the form to Plaintiff's counsel at 216-696-7005; or (c) scanning the form and emailing it to Plaintiff's counsel at consent@lazzarolawfirm.com.

The signed Consent Form must be Signed, postmarked, faxed, or emailed by December __, 2018. It is important that you return the Consent Form as soon as possible because the time period for which you can seek payment for your unpaid wages will depend on when this form is filed with the Court. If you lose or misplace the enclosed Consent Form, or if you have any questions about filling out or returning the Consent Form, you may contact Plaintiff's counsel listed in paragraph 8 of this Notice to receive a new Consent Form.

5. NO RETALIATION PERMITTED

The law prohibits Applied Medical Technology, Inc. or any of its agents or employees to discharge you, or in any manner harass, discriminate or retaliate against you for taking part in this collective action.

6. EFFECT OF JOINING THIS ACTION

If you join this collective action, you will be bound by any judgment that is rendered, whether favorable or unfavorable, and share in any recovery. If you join this collective action lawsuit and the Court finds in favor of Plaintiff, you may be entitled to money recovery. However, if you join this collective action lawsuit, and the Court rules in favor of Applied Medical Technology, Inc., you will be entitled to no money recovery. You will also be bound by, and share in, any settlement that may be reached on behalf of the class.

If you join this collective action lawsuit, you may be required to provide information about your employment with Applied Medical Technology, Inc., answer written questions, produce documents, and/or provide oral testimony.

By joining this action, you designate the named Representative Plaintiff as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's counsel concerning fees and costs, the entering into a settlement agreement with Applied Medical Technology, Inc., and all other matters pertaining to this action.

The named Plaintiff in this matter has entered into a contingency fee agreement with Plaintiff's counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. If there is a recovery of wages, liquidated damages, and/or attorneys' fees and costs, Plaintiff's counsel will be paid whatever attorneys' fees and costs the Court orders or approves as fair and reasonable. The fees and costs will either be subtracted from the total recovery obtained from Applied Medical Technology, Inc. in the amount of thirty-three and one-third percent (33-1/3%) of your total recovery plus costs expended by Plaintiff's counsel on your behalf, or they may be paid separately by Applied Medical Technology, Inc. If there is no recovery, Plaintiff's counsel will not be paid for their work on this case.

7. NO LEGAL EFFECT OF NOT JOINING THIS ACTION

If you choose not to join this action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, and you will not share in any recovery. You will be free to file your own lawsuit; however, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

Anthony J. Lazzaro
Chastity L. Christy
Lori M. Griffin
The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113
Phone: 216-696-5000
Facsimile: 216-696-7005
anthony@lazzarolawfirm.com
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9. APPLIED MEDICAL TECHNOLOGY, INC. IS REPRESENTED BY

Rina R. Russo
Mark S. Fusco
Jessica B. Loucks
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Phone: 216-781-1212
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Further information about this Notice or the action may be obtained from Plaintiff's counsel at 216-696-5000. The call is free and confidential.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CONSENT FORM

City, State, Zip: _____

eSign via PDF or Sign and return to:

Lazzaro Claims Administration, LLC / 920 Rockefeller Building / 614 W. Superior Avenue / Cleveland, Ohio 44113

Fax: 216-696-7005

Email: consent@lazzarolawfirm.com

Must be Signed, postmarked, faxed, or emailed by December ____, 2018